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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
933,224	8/14/78	Donald Samuel Kaplan	- 27361

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EXAMINER	
C. F. Rosenbaum	
ART UNIT	PAPER NUMBER
335	6

DATE MAILED:

**MAILED**

**OCT 19 1979**

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

**CLERICAL BRANCH  
GROUP 330**

☐ This application has been examined. ☒ Responsive to communication filed on 9/24/79 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited, Form PTO-892.
- ☐ Notice of Informal Patent Drawing, PTO-948.
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ \_\_\_\_\_

Part II SUMMARY OF ACTION

- ☒ Claims 1-8 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☒ Claims 6 are allowed.
- ☒ Claims 1-5 AND 7-8 are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
- ☐ The formal drawings filed on \_\_\_\_\_ are acceptable.
- ☐ The drawing correction request filed on \_\_\_\_\_ has been ☐ approved. ☐ disapproved.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  
☐ been received. ☐ not been received. ☐ been filed in parent application, serial no. \_\_\_\_\_,  
filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

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Claims 1-5 are rejected under 35 USC 103 as obvious in view of Buck et al. cited herein. Buck et al. are silent as to the total molecular weight of polyether-ester composition however, the total weight could be adjusted as a matter of choice by selecting the amount of reactants (page 47). The amount (% wt.) of the "hard" segments in Buck et al. appear to be within the values claimed (Fig. 4, Fig. 5 & Fig. 6). Buck et al. illustrates 4-carbon radicals in the "hard" segments.

Claims 7-8 are rejected under 35 USC 103 as obvious in view of Buck et al., as applied above. It would be obvious to enclose the filaments of Buck et al. in a sterile enclosure merely as a matter of choice or design.

Claim 6 would be allowed if written in independent form.

Applicant's prior art statement is appreciated. Applicant's remarks with regard to Okazaki are well taken.

C. F. Rosenbaum/mb

703/557/3144

10/17/79

